

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

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:
COMPASS-CHARLOTTE 1031, LLC, :

Plaintiff, :

v. :

Case No. 24-cv-00055 (MAD/CJH)

PRIME CAPITAL VENTURES, LLC :
BERONE CAPITAL FUND, LP, :
BERONE CAPITAL PARTNERS LLC, :
BERONE CAPITAL LLC, :
BERONE CAPITAL EQUITY FUND I, LP, :
and 405 MOTORSPORTS LLC f/k/a Berone :
Capital Equity Partners LLC, :

Defendants. :
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PAUL A. LEVINE, as Receiver of Prime Capital :
Ventures, LLC, :

Third-Party Plaintiff, :

v. :

KRIS D. ROGLIERI *et al.*, :

Third-Party Defendants. :
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NOTICE OF MOTION

PLEASE TAKE NOTICE that, pursuant to Local Rules 7.1(a)(1) and 7.1(b)(5), Third-Party Defendants Kris D. Roglieri, Kimberly Humphrey (a/k/a Kimmy Humphrey), Prime Commercial Lending, LLC (“Prime Commercial”), Commercial Capital Training Group (“CCTG”), The Finance Marketing Group (“FMG”), National Alliance of Commercial Loan Brokers LLC (“NACLB”), and FUPME, LLC (“FUPME”) will move this Court, pursuant to Fed. R. Civ. P. 12(b)(1), Fed. R. Civ. P. 12(b)(6), Fed. R. Civ. P. 12(b)(7), and Fed. R. Civ. P. 19, for

an order dismissing the claims in the Third-Party Complaint (Dkt. No. 71) as against the foregoing parties, with prejudice, for (1) lack of subject-matter jurisdiction; (2) failure to state a claim upon which relief may be granted; and (3) failure to name a necessary party (Count III only).

The motion (“Motion”) is based upon the accompanying memorandum of law as well as the other papers filed in this action.

PLEASE TAKE FURTHER NOTICE that, pursuant to Local Rule 7.1(a)(1), any opposing party must file and serve its opposition papers no more than twenty one (21) days after service of the Motion, and that any reply papers must be filed and served no more than seven (7) days after service of the response papers.

Dated: February 7, 2024

Respectfully submitted,

HOGAN LOVELLS US LLP

By: /s/ Pieter Van Tol

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